

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

MINISTER TIMOTHY LUTHER MCNAIR,

6:18-cv-00978-YY

Petitioner,

ORDER

v.

G. LANEY,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge You issued a Findings and Recommendation [43] on August 15, 2019, in which she recommends that the Court deny the Petition for Writ of Habeas Corpus [2] as moot. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v.*


Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error.

CONCLUSION

The Court adopts Magistrate Judge You's Findings and Recommendation [43]. Accordingly, the Petition for Writ of Habeas Corpus [2] is DENIED AS MOOT and this case is DISMISSED. Because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability is DENIED. *See* 28 U.S.C. 2253(c)(2).

IT IS SO ORDERED.

DATED this 9 day of October, 2019.



MARCO A. HERNANDEZ
United States District Judge